

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSE ISMAEL VENTURA,

Petitioner,

18-cv-9179 (JGK)

- against -

UNITED STATES OF AMERICA,

Respondent.

KEVIN VENTURA,

Petitioner,

20-cv-8064 (JGK)

- against -

UNITED STATES OF AMERICA,

Respondent.

ORDER

JOHN G. KOELTL, District Judge:

The Court has received the request of Jose Ventura for a "change of counsel hearing." (ECF No. 47 in No. 18-cv-9179.) The Court will address this application at the outset of the hearing scheduled for Thursday, June 29, 2023, at 10:30 a.m., for both Jose Ventura and Kevin Ventura. All parties should expect to proceed with the evidentiary hearing as scheduled if the Court determines to deny the motion for substitution and proceeds with the evidentiary hearing.

In connection with the application for the substitution of counsel, the Court notes that the Court has previously substituted counsel for Jose Ventura (ECF No. 40 in No. 18-cv-9179), and Jose


Ventura's current counsel has represented him since November 14, 2022 -- over seven months. Despite this lengthy representation, the request for substitution was made for the first time less than two days before the scheduled beginning of the evidentiary hearing. The evidentiary hearing has been scheduled for June 29, 2023, since March 16, 2023 -- for over three months. (ECF No. 45 in No. 18-cv-9179.) The hearing has been sought by Jose Ventura, as well as by Kevin Ventura, and any rescheduling would be highly disruptive. The evidentiary hearing is scheduled to include at least three witnesses for the Government in addition to at least one witness who has been sought by the defendants.

At the hearing, the Court will consider all of the relevant factors in determining whether to substitute counsel for Jose Ventura. See generally, e.g., United States v. Carreto, 583 F.3d 152, 158 (2d Cir. 2009); United States v. Walters, No. 20-cr-89, 2022 WL 1301958, at *5 (D. Conn. Mar. 25, 2022).

The Clerk is directed to enter this Order in Nos. 18-cv-9179, 20-cv-8064, and 09-cr-1015.

SO ORDERED.

Dated: New York, New York
June 28, 2023



John G. Koeltl
United States District Judge